

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SHIVAM ENTERPRISES USA; and  
SHIVAM ENTERPRISES;

Plaintiffs,

vs.

SUNDERLANDS (Now Apollo Surfaces)  
A Samsara Surfaces Entity, Omaha-  
Nebraska; and SUNDERLANDS (Now  
Apollo Surfaces) A Samsara Surfaces Entity,  
Urbandale-Des Moines;

Defendants.

8:25CV122

ORDER

This matter comes before the Court on the Motion for Appointment of Counsel (Filing No. 10) filed by Kamal Khandelwal on behalf of the plaintiffs. Mr. Khandelwal asks that the Court appoint counsel for the plaintiffs because he “has been unable to obtain license[d] counsel independently.” Mr. Khandelwal states he sent emails to three local attorneys, none of whom responded. (Filing No. 10).

“In civil cases, there is no constitutional or statutory right to appointed counsel.” *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013). Rather, pursuant to 28 U.S.C. § 1915(e), a court “may request an attorney to represent any person unable to afford counsel.” *Id.* The plaintiffs in this matter are two corporations that have paid the filing fee. As such, there is no “person unable to afford counsel” nor any other basis upon which the Court could consider granting the plaintiffs’ request to appoint counsel. The Court provided the plaintiffs until May 6, 2025, to obtain licensed counsel. Under the circumstances, the Court will provide the plaintiffs an extension of time to June 6, 2025, to find and retain licensed counsel to represent them in this matter. Accordingly,

**IT IS ORDERED:**

1. The Motion for Appointment of Counsel (Filing No. 10) is denied.
2. The deadline for the plaintiffs to retain licensed counsel is extended to **June 6, 2025**. If licensed counsel does not enter an appearance by that date, the Court may dismiss this action without further notice.

Dated this 5<sup>th</sup> day of May, 2025.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge